

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE	)	
KELLOGG COMPANY, GENERAL	)	
MILLS, INC., and NESTLÉ USA, INC.,	)	
	)	
Plaintiffs,	)	No. 1:11-cv-08808
	)	
v.	)	Judge Steven C. Seeger
	)	
UNITED EGG PRODUCERS, INC.,	)	
UNITED STATES EGG MARKETERS,	)	
INC., CAL-MAINE FOODS, INC., and	)	
ROSE ACRE FARMS, INC.	)	
	)	
Defendants.	)	
	)	

**PLAINTIFFS' MOTION TO FILE UNDER SEAL**

Plaintiffs respectfully move the Court for leave to file all exhibits attached to Plaintiffs' List of Exhibits to be used in Opening Statement, pursuant to Federal Rule of Civil Procedure 26(c) and Local Rule 26.2. In support of this Motion Plaintiffs state as follows:

1. The List of Exhibits filed today, attach as exhibits documents and information that Plaintiffs designated as confidential or highly confidential at an earlier stage of the case. Accordingly, under the Protective Order in this Case, Case Management Order No. 10 (Protective Order), and pursuant to Local Rule 26.2(c), Plaintiffs have provisionally filed the Exhibits to the Motion under seal.

2. Plaintiffs plan to use the exhibits contained in Exhibits to the Motion at trial, and thus anticipate they will become public once introduced at trial. However, Plaintiffs submit them under seal here out of an abundance of caution based on their present designations.

3. As the Seventh Circuit has recognized, a Court may keep documents or portions thereof under seal if "there is good cause for sealing a part or the whole of the record." *Citizens*

*First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999); *see also* Local Rule 26.2(b) (applying “good cause” standard). Accordingly, the Court may seal filings if there are “legitimate concerns of confidentiality,” *Grove Fresh Dist., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 898 (7th Cir. 1994), such as where the information in question “meet[s] the definition of trade secrets or other categories of bona fide long-term confidentiality,” *Baxter Intern., Inc. v. Abbott Labs.*, 297 F.3d 544, 545 (7th Cir. 2002).

4. Here, Plaintiffs have designated information contained in the exhibits to the Motion as confidential or highly confidential. Under the Protective Order, Plaintiffs are permitted to file these materials under seal in any court filing. This gives good cause to file Exhibits A and B to the Motion under seal.

WHEREFORE, Plaintiffs respectfully request the Court enter an order granting it leave to file Plaintiffs' List of Exhibits Motion under seal.

October 13, 2023

Respectfully submitted,

***Counsel for Plaintiffs Kraft Foods Global, Inc.,  
General Mills, Inc., Nestlé USA, Inc. and The  
Kellogg Company***

/s/ Brandon D. Fox

James T. Malysiak

Joel T. Pelz

Angela M. Allen

JENNER & BLOCK LLP

353 N. Clark Street

Chicago, IL 60654

Tel: (312) 222-9350

Fax: (312) 527-0484

jmalysiak@jenner.com

jpelz@jenner.com

aallen@jenner.com

Brandon D. Fox

Amy M. Gallegos (*admitted pro hac vice*)

JENNER & BLOCK LLP

515 S. Flower St.,

Suite 3300

Los Angeles, CA 90071

Tel: (213) 239-5100

Fax: (213) 239-5199

bfox@jenner.com

agallegos@jenner.com